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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jenae Finton, et al.,
10 Plaintiffs,

11 v.

12 Cleveland Indians Baseball Company LLC,
13 et al.,
14 Defendants.

No. CV-19-02319-PHX-MTL

ORDER

15 The Court has reviewed the parties' Joint Motion re Discovery Dispute (Doc. 48)
16 (the "Motion"). The Motion concerns the Plaintiffs' Rule 30(b)(6) deposition notice (Doc.
17 46) and Defendant Cleveland Indians Baseball Company, LLC's (the "Club") deposition
18 notice for the Plaintiff Jenae Finton (Doc. 47).

19 In the Motion, Plaintiff's Counsel explains the efforts that she made to work with
20 the Club's Counsel to schedule the Rule 30(b)(6) deposition prior to the extended fact
21 discovery cutoff date of May 29, 2020. These efforts include describing attempts to
22 coordinate deposition scheduling with the Club's Counsel. The reasons proffered by the
23 Club are that they "did not anticipate all of the consequences of the various measures that
24 the Club had to take to deal with the Coronavirus pandemic . . . [,]" and that it is not
25 conducting business at this time.

26 The Court construes the Plaintiff's position as asking that the depositions proceed,
27 as noticed. The depositions shall proceed, as noticed and with prepared witnesses. There
28 are several reasons justifying this course of action. First, the discovery schedule was

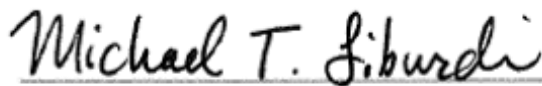
1 already extended at the parties' request. (Doc. 42.) Second, it appears from the Motion that
2 Defendant's Counsel simply ignored Plaintiff's Counsel's efforts to coordinate the Rule
3 30(b)(6) deposition. The Club's position statement does not even attempt to explain its lack
4 of communication with opposing counsel. Third, the Plaintiff may suffer economic
5 hardship if the schedule is extended. This includes potential lost wages and forfeited funds
6 advanced for the deposition. Fourth, the Club's generalized use of the Coronavirus
7 pandemic as an excuse to delay discovery for the past several weeks, without providing
8 specific details applicable in this situation, fails to show good cause. The Club does not
9 explain why it could not follow the extended fact discovery deadline with the
10 accommodations offered by Plaintiff. Finally, the Club's apparent justification that it was
11 not open for operations also fails to show good cause. The Court regrets that it must remind
12 the Club that it is a party to litigation in the United States Courts. It is subject to an active
13 scheduling order. As such, it has an obligation to adhere to that order unless otherwise
14 notified by the Court. It must make employees available for discovery purposes.

15 Accordingly,

16 **IT IS ORDERED** granting the Plaintiff's request. (Part of Doc. 48.) The Rule
17 30(b)(6) deposition of the Club (Doc. 46) is ordered to proceed, as noticed. The deposition
18 of Jenae Finton (Doc. 47) is ordered to proceed, as noticed.

19 **IT IS FURTHER ORDERED** denying the Club's request to amend the scheduling
20 order for a second time. (Part of Doc. 48.) The current scheduling order remains in effect.

21 Dated this 27th day of May, 2020.

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24 Michael T. Liburdi
25 United States District Judge
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